

MINUTE ENTRY MOTION TO REMAND

Plaintiff was represented Attorney Victorino Torres. Defendants were represented by Attorney James J. Bickerton.

Mr. Torres stated for the record that Mr. Lujan is not seeking attorney fees against Mr. Perkins arising from the November 13, 2000 Order. Mr. Torres also stated that he cannot state at this moment whether or not the complaint may be amended. After further examination by the Court, Mr. Torres clarified with the Court that they will not seek for attorney fees and will not amend the complaint and that he will be judicially stopped should they seek to amend the complaint.

Mr. Torres argued the motion to remand. The Court inquired from Mr. Torres whether he had an estimated medical cost for Mr. Lujan. Mr. Torres stated that he does not have medical records for Mr. Lujan. Upon conclusion of Mr. Torres' argument, he once again stated that he will not seek attorney fees.

Mr. Bickerton argued his response. Mr. Bickerton argued that upon the filing of the case now pending at the Commonwealth Superior Court, the plaintiffs were asking for compensatory fees. Mr. Bickerton argued that the third party complaint filed in this case should not be considered a third party complaint and therefore the issues pending regarding Mr. Lujan should not be remanded to the Superior Court.

Mr. Torres argued his reply.

The Court took the matter under advisement and that a memorandum will follow.
; [MCM EOD 02/20/2003]